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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,794	12/29/2005	Masayuki Ono	043887-0181	4041
53080 7590 08/19/2009 MCDERMOTT WILL & EMERY LLP 600 13TH STREET, NW WASHINGTON, DC 20005-3096				
EXAMINER GUHARAY, KARABI				
ART UNIT 2889		PAPER NUMBER		
MAIL DATE 08/19/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/562,794

**Applicant(s)**

ONO ET AL

**Examiner**

Karabi Guharay

**Art Unit**

2889

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amendment, filed on 5/29/09.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-21 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-21 and 23-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

Amendment, filed on 5/29/09 has been considered and entered.

Amendment of specification is acknowledged.

Claims 1, 3-5, 9-11 and 23 are amended. New claims 24-26 are added.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites the limitation "the surface" in line 9. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-14, 16-17 & 24-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Bertram et al. (US 2003/0042850).

Regarding claims 1, 9, 16-17, Bertram et al. disclose a phosphor element (see Fig 1) comprising an electron hole injection electrode (2) and an electron injection electrode (4) disposed opposite

to each other; an electron hole transport layer (layer 2 comprises two layers one hole injecting layer and one hole transporting layer; paragraph 20), a phosphor layer (light emitting layer 3 formed of inorganic material; paragraph 21) and an electron transport layer (layer 4 comprises two layers one electron injecting layer and one electron transporting layer; paragraphs 30-33) stacked in this order from the side of the electron hole injection electrode toward the side of the electron injection electrode, wherein the stacked layers are sandwiched between the electron hole injection electrode and the electron injection electrode, and wherein the phosphor layer includes an inorganic phosphor particle (quantum dot) in which at least one part of a surface of the inorganic phosphor layer (3) is covered with an organic material (paragraph 23, 25, 26 & 29), and wherein the inorganic phosphor layer emits directly in response to applied electric field between the electron hole injection electrode and the electron injection electrode (paragraph 36).

Regarding claim 3 & 10, Bertram et al. disclose the phosphor element according to claims 2 & 9, further comprising first and second substrates disposed opposite to each other in which at least one of the first and second substrates is transparent or semi-transparent, wherein the electron hole injection electrode, the electron hole transport layer, the phosphor layer, the electron transport layer, and the electron injection electrode are sandwiched in this order between the first and second substrates (paragraph 32).

Regarding claims 4 & 11, Bertram et al. disclose that the inorganic phosphor layer (3) comprises a fluorescent substance including a semiconductor host crystal (paragraph 21).

Regarding claims 5 & 12, Bertram et al. disclose that the organic material is chemically adsorbed to at least one part of the surface of the inorganic phosphor layer (paragraph 23 & 29).

Regarding claims 6, Bertram et al. disclose the phosphor element according to claim 5, wherein

the organic material is a conductive organic material having an electron hole transporting property and chemically adsorbed to the surface of the inorganic phosphor layer disposed opposite to the electron hole transport layer (paragraphs 23).

Regarding claims 7, Bertram et al. disclose the phosphor element according to claim 5, wherein the organic material is a conductive organic material having an electron transporting property and chemically adsorbed to the surface of the inorganic phosphor layer disposed opposite to the electron transport layer (paragraph 24).

Regarding claims 8, 13-14, Bertram et al. disclose the phosphor element according to claims 5 & 12, wherein the organic material includes a conductive organic material having an electron hole transporting property and a conductive organic material having an electron transporting property, wherein the conductive organic material having the electron hole transporting property is chemically adsorbed to the surface of the inorganic phosphor layer disposed opposite to the electron hole transport layer, wherein the conductive organic material having the electron transporting property is chemically adsorbed to the surface of the inorganic phosphor layer disposed opposite to the electron transport layer (paragraphs 23 & 24).

Regarding claims 24-25, Bertram et al. disclose that the organic capping materials does not emit in response to applied electric field (paragraph 36).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bertram et al. (US 2003/0042850).

Regarding claim 15, Bertram et al. discloses semiconductor host crystal including at least one kind of element selected from a group Zn, Ga, In, Sn, and Ti (paragraph 21), though preferred examples includes semiconductor compound including sulfide, oxide compound of Zn or Ti are also included as semiconductor nanometer crystal.

Thus it would have been obvious to use oxide of Group II-VI as semiconductor host crystal in the device of Bertram et al. since selection of known material for known purpose is within the skill of art.

Claim 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertram et al. as applied to claim 1 above, and further in view of Watanabe et al. (US 2002/0015859).

Regarding claim 18, Bertram et al. disclose all the limitations of claim 18, except for an electron hole blocking layer sandwiched between the phosphor layer and the electron transport layer.

However, in the same field of organic EL device, Watanabe et al. teach an electron hole blocking layer sandwiched between the luminescent layer and the electron transport layer (see Abstract). Watanabe et al. further teach that such hole-blocking layer improves driving stability and low power consumption nature by limiting migration of holes from the light emitting layer (Paragraph 10).

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an electron hole blocking layer sandwiched between the luminescent layer and the electron transport layer, as taught by Watanabe et al. in the device of Bertram et al. since such layer will improve driving stability and low power consumption nature by limiting migration of holes from the light emitting layer.

Claims 19-21, 23 & 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertram et al. (US 2003/0042850), in view of Koyama (US 2004/0207578).

Regarding claims 19-21 & 23, Bertram et al. discloses all the limitations of claims 19-21, & 23 except for a thin film transistor which is an organic TFT, connected to either electron hole injection electrode or electron injection electrode and a plurality of X-electrodes extending parallel to each other in a first direction and a plurality of Y electrodes extending parallel to each other extending in a second direction perpendicular to first direction wherein the TFTs are connected to X and Y electrode.

Bertram discloses a plurality of EL displays arranged to form various display (paragraph 2) however, silent about the mode of driving the matrix display.

However, Koyama discloses an active matrix organic display device (Fig 5) having plurality of pixels wherein TFTs which is an organic TFT (paragraph 104) are connected to either electron hole injection electrode (anode) or electron injection electrode (cathode) and a plurality of X-electrodes (1501-1504 of Fig 15) extending parallel to each other in a first direction and a plurality of Y electrodes extending parallel to each other (1505) extending in a second direction perpendicular to first direction wherein the TFT (1506) is connected to X and Y electrode (paragraph 100). Koyama further teaches that having active elements like TFT to drive the display device provides longer light emission time and reduced powder consumption (see Abstract).

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have active matrix display as taught by Koyama, in the device of Bertram et al. since such driving method provides longer light emission time and also reduces the consumption of power.

Regarding claim 26, Bertram et al. disclose that the organic capping materials does not emit in response to applied electric field (paragraph 36).

#### ***Response to Arguments***

Applicant's arguments with respect to amended claims have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karabi Guharay whose telephone number is 571-272-2452. The examiner can normally be reached on Monday-Friday 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minh-Toan Ton can be reached on 571-272-2303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Karabi Guharay/  
Primary Examiner, Art Unit 2889

